

REMARKS

Reconsideration and allowance of this application are respectfully requested. Claims 2, 4-5, 9, 12, 14-15, and 18-28 are cancelled. Claims 1, 3, 6-8, 10-11, 13, and 16-17 remain in this application as amended herein, and claims 29-33 are added. Accordingly, claims 1, 3, 6-8, 10-11, 13, 16-17, and 29-33 are submitted for the Examiner's reconsideration.

Claims 3, 6-8, 10, and 17 have been amended solely to have the claims better conform to the requirements of U.S. practice. None of these amendments is intended to narrow the scope of any of these claims, and no new matter has been added by these amendments.

In the Office Action, claims 1, 3, 6-8, 10-11, 13 and 16-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ginter (U.S. Patent Application Publication No. 2004/0133793) in view of Shimoyoshi (U.S. Patent No. 5,548,574), further in view of Yaegashi (U.S. Patent No. 6,499,106), and further in view of Martineau (U.S. Patent No. 5,893,910). Applicants submit that the claims are patentably distinguishable over the relied on art.

Independent claims 1 and 11 have been amended to more clearly show the differences between the claimed features and the relied on art. Support for these changes is found at, e.g., Figs. 15-16 and pages 43-44 and 61-64 of the specification. No new matter has been added by these changes.

As amended herein, claim 1 recites:

a particular digital signal processing apparatus
in communication with information center over a
communication line, the digital signal processing
apparatus including:

extracting means for extracting a particular
sound frame of music data from encoded digital
data recorded on an external storage medium that
has been loaded into said digital signal
processing apparatus,

...;

said information center including:

...
reference inquiry generating means for generating reference inquiry information including a reference sound frame of music data stored in the information center that corresponds to the extracted particular sound frame of music data and having a timing of a start of encoding or recording that is consistent with that particular digital signal processing apparatus,

comparing means for comparing the extracted particular sound frame of music data included in the inquiry information and the reference sound frame of music data, the extracted particular sound frame of music data included in the inquiry information matching the reference sound frame of music data being an indication that the encoded digital data recorded on the storage medium has the timing of the start of encoding or recording that is consistent with that particular digital signal processing apparatus and thereby is legally purchased data, the extracted particular sound frame of music data included in the inquiry information not matching the reference sound frame of music data being an indication that the encoded digital data recorded on the storage medium has a timing of a start of encoding or recording that is not consistent with that particular digital signal processing apparatus[.]

(Emphasis added.) Neither the relied on sections of Ginter, the relied on sections of Shimoyoshi, the relied on sections of Yaegashi, nor the relied on sections of Martineau disclose or suggest extracting a particular sound frame of music data from encoded digital data recorded on an external storage medium. Moreover, neither the relied on sections of Ginter, the relied on sections of Shimoyoshi, the relied on sections of Yaegashi, nor the relied on sections of Martineau disclose or suggest a reference sound frame of music data that corresponds to the extracted particular sound frame of music data and having a timing of a start of encoding or recording that is consistent with a particular digital signal processing apparatus. Further, neither the relied on sections of Ginter, the relied on sections

of Shimoyoshi, the relied on sections of Yaegashi, nor the relied on sections of Martineau disclose or suggest comparing an extracted particular sound frame of music data (extracted from encoded digital data recorded on an external storage medium) and a reference sound frame of music data (having a timing of a start of encoding or recording that is consistent with a particular digital signal processing apparatus). Still further, neither the relied on sections of Ginter, the relied on sections of Shimoyoshi, the relied on sections of Yaegashi, nor the relied on sections of Martineau disclose or suggest an extracted particular sound frame of music data (extracted from encoded digital data recorded on an external storage medium) matching a reference sound frame of music data (having a timing of a start of encoding or recording that is consistent with a particular digital signal processing apparatus) being an indication that the encoded digital data recorded on the storage medium has the timing of the start of encoding or recording that is consistent with that particular digital signal processing apparatus and thereby is legally purchased data. Additionally, neither the relied on sections of Ginter, the relied on sections of Shimoyoshi, the relied on sections of Yaegashi, nor the relied on sections of Martineau disclose or suggest an extracted particular sound frame of music data (extracted from encoded digital data recorded on an external storage medium) not matching a reference sound frame of music data (having a timing of a start of encoding or recording that is consistent with a particular digital signal processing apparatus) being an indication that the encoded digital data recorded on the storage medium has a timing of a start of encoding or recording that is not consistent with that particular digital signal processing apparatus.

The Examiner contends that "the claimed particular frame of music data is still electronic or digital data or

information and is indeed taught in the Yaegashi reference" and relies on the Abstract and col.8 11.60 to col.11 11.21 of Yaegashi. However, such sections merely describe a disc ID that is recorded on each disc of a set of CDs. (See col.9 11.1-3 and col.10 11.19-21.) The relied on sections of Yaegashi are not concerned with extracting a particular sound frame of music data from encoded digital data recorded on an external storage medium and are not concerned with a reference sound frame of music data that corresponds to an extracted particular sound frame of music data.

Moreover, such sections of Yaegashi describe a disc ID that is unique to a given set of CDs that are otherwise identical copies from the same master disc. (See col.9 11.4-7 and col.10 11.22-27.) Namely, the value of the disc ID read from a loaded CD depends on which particular set of CDs that CD is from rather than which master disc was used to create that CD. These sections are not concerned with a disc ID that is dependent only on which master disc was used to create that CD. Hence, the relied on sections of Yaegashi do not disclose or suggest a reference sound frame of music data that is consistent with a particular digital signal processing apparatus.

Further, such sections of Yaegashi simply describe that a disc ID of each disc of each set of CDs is recorded in a central access control system database and correlated with an intended recipient remote location using a list of unique remote location ID numbers also stored in the database. (See col.9 11.11-19 and col.10 11.29-37.) The relied on sections of Yaegashi do not disclose or suggest a reference sound frame of music data having a timing of a start of encoding or recording that is consistent with a particular digital signal processing apparatus.

Further, such sections of Yaegashi describe a remote location reads a disc ID read from a disc and sends the disc ID

and the ID number of that remote location in a request to the central access control system which uses the database to verify the request. (See col.9 11.26-33 and col.10 11.47-57.) The relied on sections of Yaegashi do not disclose or suggest comparing an extracted particular sound frame of music data and a reference sound frame of music data, do not disclose or suggest that an extracted particular sound frame of music data matching a reference sound frame of music data is an indication that encoded digital data recorded on a storage medium has a timing of a start of encoding or recording that is consistent with a particular digital signal processing apparatus, do not disclose or suggest that an extracted particular sound frame of music data matching a reference sound frame of music data is an indication that encoded digital data recorded on a storage medium has a timing of a start of encoding or recording that is consistent with a particular digital signal processing apparatus and thereby is legally purchased data, and do not disclose or suggest that an extracted particular sound frame of music data not matching a reference sound frame of music data is an indication that encoded digital data recorded on a storage medium has a timing of a start of encoding or recording that is not consistent with a particular digital signal processing apparatus.

Neither the relied on sections of Ginter, the relied on sections of Shimoyoshi, not the relied on sections of Martineau overcome the deficiencies of the relied on sections of Yaegashi.

It follows, for at least these reasons, that neither the relied on sections of Ginter, the relied on sections of Shimoyoshi, the relied on sections of Yaegashi, nor the relied on sections of Martineau, whether taken alone or in combination, disclose or suggest the apparatus set out in claim 1. Claim 1

is therefore patentably distinct and unobvious over the relied on references.

Independent claim 11 calls for features similar to those set out in the above excerpt of claim 1 and is therefore patentably distinct and unobvious over the relied on sections of Ginter, Shimoyoshi, Yaegashi, and Martineau for at least the reasons set out above regarding claim 1.

Claims 3, 6-8 and 10 depend from claim 1, and claims 13 and 16-17 depend from claim 11. Therefore, each of these claims is distinguishable over the relied on art at least for the same reasons as its parent claim.

Accordingly, Applicants respectfully request the withdrawal of the rejection under 35 U.S.C. § 103(a).

New independent claim 29 recites features similar to those set out in the above excerpt of claim 1 and therefore is patentably distinct and unobvious over the relied on sections of Ginter, Shimoyoshi, Yaegashi, and Martineau at least for the reasons set out above regarding claim 1. New claims 30-33 depend from claim 29 and are distinguishable over the relied on art for at least the same reasons. Support for new claims 29-33 is found at, e.g., Figs. 15-16 and pages 43-44 and 61-64 of the specification.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicants' attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

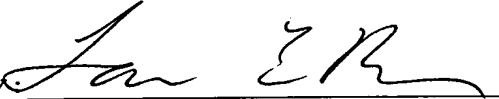
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If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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